



Effective, Open and Accountable County Governance

Focus Areas:

1. Heightened Political Mobilization
2. Building Bridges Initiative Case at the Supreme Court
3. Rising Insecurity in Parts of the Country
4. Council of Governors Elections

Introduction

The Act Change Transform led Consortium is currently implementing the Kenya Devolution Programme (KDP), a four year (2021 – 2025) national programme funded by the Foreign, Commonwealth and Development Office (FCDO). The programme aims to address some of the specific challenges facing devolution in selected counties in Kenya. The KDP has seeks to make a contribution in five Output Areas. These areas:

1. *Intergovernmental relations that supports devolution*
2. *Effective county planning, public finance management and staff performance*
3. *County government and citizens' engagement to improve service delivery and livelihoods*
4. *Evidence generation, digital technology and learning as enablers of public service delivery and reform*
5. *UK Government Portfolio in Kenya is better aligned with county government priorities*

Successful delivery of the KDP requires a deep understanding of the intervention context including the power dynamics. To enhance understanding of the implementation context, the Consortium committed to generate political economy analysis briefs on a monthly basis. The monthly briefs are to provide clear and succinct synthesis of key issues in the KDP implementation context with a focus on the five Output Areas. The bulk of the data that informs the brief report emanates from a close monitoring of the media in Kenya. Each *Monthly Briefing Note* should be no more than two pages. This *Monthly Briefing Note* provides a snapshot of main issues during the month of January 2022 in Kenya's political economy that may impact on the implementation of the Kenya Devolution Programme.

Political Economy Analysis: January 2022

Highlight of Key Issues

This section provides an overview of key happenings in the country and their implications for the implementation of the KDP and in particular the five Output Areas.



1.1. Heightened Political Mobilization

The month of January 2022 witnessed enhanced political activity after a brief lull during the festivities occasioned by the December 2021 holiday. Even though the official campaigns have not been declared by the Independent Electoral and Boundaries Commission, contenders for various elective political offices at the county and national level traversed the various part of the country in search for votes. This is likely to continue and become more intense as the election date nears. In turn this may in some instances affect availability of state officers to support implementation of the KDP. The main campaign issues include reviving the economy, unemployment, national unity, corruption and the cost of living. However, the main campaign issues will become clearer as the leading contenders for the presidency crystalizes. As politicians canvass for votes, there have been reported cases of hate speech, an issue that if left unaddressed can compromise the security of the country especially in areas prone to post-election flare-ups.

1.2. Building Bridges Initiative Case at the Supreme Court

The Building Bridges Initiative (BBI) appeal case is yet another significant issue that took place during the month of January 2022. It is significant to the project in a number of ways. The case touches on issues 'crucial to both Kenyan constitutional law, issue of public participation in amending the Constitution'¹, general provisions of the BBI that touch on devolution. If the appeal case succeeds, this will present the country an opportunity to take part in a constitutional referendum that if passed, will have implications on devolved units e.g. a provision to increase the resources to be transferred to the counties.

1.3. Rising Insecurity in Parts of the Country

Although Kenya remains relatively stable, a continued erosion of legitimacy by the general citizenry in both urban and rural areas would pose a real threat to the country's security. This is especially so in the context of the current wave of low-level incidences of insecurity from isolated parts of the country (e.g. parts of Lamu, Marsabit, Baringo, Mandera, Wajir and Laikipia counties). For Lamu, Mandera and Wajir, its terror-related attacks, while for Baringo, Marsabit and Laikipia counties its largely resource-based conflicts. In the main urban spaces, criminal gangs terrorize citizens at will (e.g. Old Town Mombasa, parts of Nairobi's informal settlements). Insecurity in parts of the country remain a threat to Kenya's political settlement, even though in a moderate way. This is because insecurity has worsened over time, which is an indicator that the national security apparatus is losing cljyr and in some instances almost non-existence, with the state being seen to be ceding ground to criminal groups in parts of the country (e.g. banditry attacks in Baringo, terror-linked attacks in Lamu, Mandera and Wajir Counties). Insecurity in these areas continues to hamper development interventions and disrupts peoples' livelihoods. In Baringo, for instance, learning has been paralyzed in parts of the county.²

1.4. Council of Governors Elections

The Council of Governors is a critical cog in galvanizing cooperation, consultation and coordination between the national and county governments as well as other independent institutions in matters devolution. The January 2022 Council of Governors election was held in a context of heightened political activity and mobilization. Given the prevailing political environment in the country, there were notable divisions in the Council between the supporters of the two leading presidential candidates. Harmony in the working of the Council of Governors is critical for the smooth implementation of the devolution programme. The re-election of the Embu Governor to serve another term marks some form of stability and continuity in the Council.

Conclusion

The defining parameter in the month of January was the heightened political mobilization in readiness for the August 2022 general elections. The campaigns mood that has engulfed the countries is likely to impact adversely on the delivery of public goods as politicians traverse their respective areas of jurisdiction in search of vote

¹ The Elephant, <https://www.theelephant.info/features/2022/01/21/the-bbi-case-at-the-supreme-court-of-kenya-day-3/>

² <https://www.kbc.co.ke/over-10-schools-closed-as-baringo-insecurity-escalates/>